



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/037,945	03/10/98	FAZAN	P MICRON. 00301

MM21/0513

KNOBBE MARTENS OLSON & BEAR
SIXTEENTH FLOOR
620 NEWPORT CENTER DRIVE
NEWPORT BEACH CA 92660-8016

EXAMINER

FOURSON III, G

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 05/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/037,945	Applicant(s) Fazan et al
	Examiner George Fourson	Group Art Unit 2814

Responsive to communication(s) filed on _____.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-4, 8, 9, and 11-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-4, 8, 9, and 11-17 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit 2814

Claims 1,4 and 5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,4 and 5 of copending Application No. 08/565,991. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are generic to the claims of the application (see MPEP 806.04(I)).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,8,9 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent 266885.

Germany '885 discloses formation of a field oxide by oxidizing a silicon substrate in a first stage

Art Unit 2814

comprising water vapor at 1000°C and a second stage comprising oxygen at atmospheric pressure. The reference discloses that the inclusion of HCl and/or chlorocarbon gas is optional. The reference discloses that the process is useful in MOS transistor production which necessarily includes formation of a gate oxide. Claims 8-10 are drawn to a field oxide which would not be distinguished from the field oxide produced by the process of Germany '885.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Germany '885 as applied to claims 1,2,4,5,8,9 and 10 above, and further in view of Marshall et al and Miyoshi et al.

Germany '885 does not disclose oxidation at pressures greater than 5 atm or the temperature of performing the second stage. Marshall et al discloses the suitability of oxidation in oxygen at pressures of 140-500 atm and temperatures up to 880°C. Miyoshi et al discloses the suitability of oxidation in steam at 6.4 atm. It would have been within the scope of one of ordinary skill in the art to employ the processes of Marshall et al and Miyoshi et al for their disclosed intended purpose to achieve the oxidation steps of Germany '885. The choice of particular temperature for each step would be a matter of routine optimization within the teachings of the references (see Marshall et al, page 2411, the paragraph bridging col.1 and col.2).

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al in view of Sze.

Marshall et al is applied as discussed above. The reference does not disclose oxidation at

Art Unit 2814

pressures less than 30 atm. Sze discloses the suitability of dry oxidation at pressures less than 30 atm on page 122. It would have been within the scope of one of ordinary skill in the art to employ the step of Sze for its disclosed intended purpose to achieve the oxidation step of Marshall et al in view of the disclosure of Marshall et al discussed above that the choice of conditions would amount to routine optimization. The formation of electrical devices is implied by the intended use of the oxide produced by Marshall et al as an isolation region.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner George Fourson whose telephone number is (703) 308-2544. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (703) 306-2794. The fax number for this group is (703)308-7722(and 7724 and 7382). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.


George Fourson
Primary Examiner
Art Unit 2814

GFourson
May 5, 1999